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May 23, 2006

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**HAND DELIVER**

The Honorable Chief Judge Sue L. Robinson

United States District Court

844 King Street

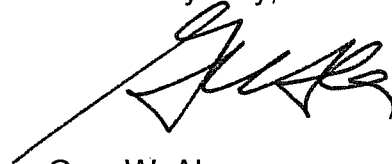
Wilmington, DE 19801

RE: Doe v. Cape Henlopen School District, et.al.  
C.A. No.: 05-424 (SLR)

Dear Judge Robinson:

I am filing with this letter the Scheduling Order, based upon the telephone conference we had with the Court in November 2005. I apologize that it was not filed soon, but, during that time I was suffering from, and later being diagnosed with a significant medical problem. I again apologize to the Court for not having filed this appropriately.

Yours very truly,



Gary W. Aber

GWA/mac

Enclosure

cc: David H. Williams, Esquire

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JANE DOE, as the natural Guardian )  
of NANCY DOE, a Minor, MARY DOE )  
a Minor, and SUSAN DOE, a Minor, )

Plaintiffs, )

v. )

CAPE HENELOPEN SCHOOL )  
DISTRICT, DANE BRANDENBERGER, )  
JANET MAUL and CINDY )  
CUNNINGHAM, )

Defendants. )

C.A. No.: 05-CV00424 SLR

Trial By Jury Demanded

**ORDER**

This \_\_\_\_\_ day of \_\_\_\_\_, 2005, having satisfied their obligations under Fed.R. Civ.P.26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed.R.Civ.P. 16 and D.Del. LR 16.2(a) and (b)

IT IS ORDERED that:

1. **Pre-Discovery Disclosures:** The parties will exchange by December 30, 2005 the information required by Fed.R.Civ.P. 23(a)(1) and D.Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects by Defendants:

(1) Whether the plaintiffs experienced mental distress, pain and suffering, depression, anxiety or panic attacks; and, if so, the cause of such problems;

(2) Whether other students harassed Nancy or Susan doe, or subjected Nancy or Susan Doe to derisive comments, noises, or gestures;

(3) Whether Jane Doe interrogated first grade students; and

(4) The information collected by the U.S. Department of Justice, Civil Rights Division when it investigated at least some of the allegations set forth in the Complaint.

(b) All discovery shall be commenced in time to be completed by June 30, 2006.

(c) Maximum of 25 interrogatories by each party to any other party.

(d) Maximum of 25 requests for admission by each party to any other party.

(e) Maximum of 10 depositions by plaintiff and 10 by defendant.

(f) Each deposition [other than Jane Doe] limited to a maximum of 6 hours unless extended by agreement of the parties.

(g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by March 30, 2006. Rebuttal expert reports due by April 30, 2006.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed.R.Civ.P. 37. during the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. **Joinder of other Parties, Amendment of Pleadings, and Class Certification.** All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before December 30, 2005.

4. **Settlement Conference**: Pursuant to 28 U.S.C. §636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring ADR.

5. **Summary Judgment Motions**: all summary judgment motions shall be served and filed with an opening brief on or before August 1, 2006. Briefing shall be pursuant to D.Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from above date without leave of the court.

6. **Applications by Motion**: Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D.Del. LR 7.1.1.**

7. **Motions in Limine**: All motions in limine shall be filed on or before December 14, 2006. All responses to said motions shall be filed on or before December 21, 2006.

8. **Pretrial Conference**: A pretrial conference will be held on January 4, 2007 at 4:30 p.m. in Courtroom 6B, Sixth Floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D.Del. LR 16.4 shall govern the pretrial conference.

9. **Trial**: This matter is scheduled for a four (4) day jury trial commencing on January 16, 2007 in Courtroom 6B, Sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For the purposes of completing pretrial preparations the parties should plan on being allocated a number of hours in which to present their respective cases.

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The Honorable Sue L. Robinson